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September 24, 2018

**VIA ECFS AND HAND DELIVERY**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: Ex Parte Submission and Request for Highly Confidential Treatment  
– Securus Technologies, Inc. – WC Docket No. 18-193**

Dear Ms. Dortch:

Securus Technologies, Inc. (“Securus”), pursuant to discussions with the Federal Communications Commission (“Commission”) Staff on September 21, 2018, submits the enclosed CD-ROM containing samples of information related to Securus’s bidding for certain services. The information is submitted for the Commission’s consideration in connection with Request No. 19 of the Information and Document Requests issued by the Commission’s Wireline Competition Bureau on September 11, 2018 in the referenced docket.<sup>1</sup>

The information submitted is Highly Confidential Information under the Protective Order issued in WC Docket No. 18-193 as it contains some of Securus’s “most sensitive business data which, if released to competitors . . . would allow those persons to gain

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<sup>1</sup> Letter from Lisa Hone, Deputy Chief, WCB, to Paul C. Besozzi and Peter M. Bean, Squire Patton Boggs (US) LLP, Counsel for Securus Technologies, Inc. and Howard M. Liberman and Jennifer L. Kostyu, Wilkinson Barker Knauer, LLP, Counsel for TKC Holdings, Inc. and Inmate Calling Solutions, LLC d/b/a ICSolutions, WC Docket No. 18-193, DA 18-939 (dated Sept. 11, 2018) (“Information Requests”).

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significant advantage in the marketplace or in negotiations.”<sup>2</sup> In addition, this information “discusses in detail . . . bids or bidding strategies,” “discloses the identity and characteristics of specific facility customers” and contains information regarding how Securus analyzes its competitors.<sup>3</sup>

In accordance with paragraph 3 of the Protective Order, Securus has received the written approval of the Commission staff to designate the information provided as Highly Confidential.<sup>4</sup> The information submitted herewith is marked “HIGHLY CONFIDENTIAL INFORMATION – SUBJECT TO PROTECTIVE ORDER IN WC DOCKET NO. 18-193 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION” in accordance with paragraph 5 of the Protective Order.<sup>5</sup> Consistent with the instructions in the Protective Order, copies of the Highly Confidential documents are being hand-filed and copies are being provided to the Commission staff.<sup>6</sup> Securus’s redacted submission is marked “REDACTED – FOR PUBLIC INSPECTION” and is being filed electronically in the Commission’s Electronic Comment Filing System.

As this information is submitted voluntarily and absent any requirement by statute, regulation, or the Commission, Securus requests that, in the event that the Commission denies Securus’s request for confidentiality, the Commission return the materials without consideration of the contents therein.<sup>7</sup>

In support of this request for treatment of the enclosed information as Highly Confidential Information, Securus provides the following information:

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<sup>2</sup> *In the Matter of TKC Holdings, Inc., Transferor, Inmate Calling Solutions, LLC d/b/a ICSolutions, Licensee, and Securus Technologies, Inc., Transferee, Consolidated Applications for Consent to Transfer Control of Domestic and International Authorizations Pursuant to Section 214 of the Communications Act of 1934, as Amended*, Protective Order, WC Docket No. 18-193, DA 18-938, (rel. Sept. 11, 2018) (“Protective Order”).

<sup>3</sup> Protective Order, Appendix A ¶¶ 3-4, 7.

<sup>4</sup> *Id.* ¶ 3.

<sup>5</sup> *Id.* ¶ 5.

<sup>6</sup> *Id.*

<sup>7</sup> 47 C.F.R. § 0.459(e).

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**(1) Identification of the specific information for which confidential treatment is sought.**

Securus hereby seeks Highly Confidential treatment of all of the information provided on the enclosed CD-ROM, which is properly designated as Highly Confidential Information under paragraphs 3, 4, and 7 of Appendix A of the Protective Order.<sup>8</sup>

**(2) Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission**

The information is provided in connection with Request Number 19 of the Information Requests in WC Docket No. 18-193.

**(3) Explanation of the degree to which the information is commercial or financial or contains a trade secret or is privileged**

The subject information includes “bids and bidding strategies made in response to requests for proposals” as well as information regarding “the identity or characteristics of specific facility customers” that would cause harm to Securus if disclosed. The subject information also contains information describing how Securus analyzes its competitors.<sup>9</sup> This information is properly designated Highly Confidential Information of under paragraphs 3, 4, and 7 of Appendix A of the Protective Order. Further, this information constitutes proprietary commercial and business information under Exemption 4 of the FOIA.<sup>10</sup> Accordingly, Securus hereby requests that such information be treated as Highly Confidential Information under the Protective Order and not be made routinely available for public inspection.

**(4) Explanation of the degree to which the information concerns a service that is subject to competition**

The Highly Confidential Information pertains to Securus’s provision of inmate telephone calling and related services (“ITS”), a nationwide competitive service.

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<sup>8</sup> Protective Order Appendix A ¶¶ 3-4, 7.

<sup>9</sup> *Id.* ¶ 7.

<sup>10</sup> 5 U.S.C. § 552(b)(4).

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**(5) Explanation of how disclosure could result in substantial competitive harm**

Disclosure of the Highly Confidential Information to the public or to competitors of Securus would “allows those persons to gain a significant advantage in the marketplace or negotiations.”<sup>11</sup> The presence of competitors in the ITS market and the likelihood of competitive injury to Securus threatened by release of this information should compel the Commission to withhold the information designated as Highly Confidential Information from public disclosure. The Commission has provided assurances that it is “sensitive to ensuring that the fulfillment of its regulatory responsibilities does not result in the unnecessary disclosure of information that might put its regulatees at a competitive disadvantage.”<sup>12</sup>

**(6) Identification of any measures taken by the submitting party to prevent unauthorized disclosure.**

In order to prevent unauthorized disclosure of the subject information, Securus is hereby submitting a request that the subject information be treated as Highly Confidential Information indefinitely, and Securus has obtained Commission staff’s written approval to designate the subject information as Highly Confidential Information pursuant to paragraph 3 of the Protective Order.<sup>13</sup> Securus takes routine measures to ensure the confidentiality of this information during normal business operations, including instructing its employees and contracting partners not to disclose such information outside of Securus, and restricting access to this information internally.

**(7) Identification of whether information is available to the public and the extent of any previous disclosure of the information to third parties**

The subject information is not ordinarily available to the public or to any third parties.

**(8) Justification of the period during which the submitting party asserts that material should not be available for public disclosure**

As described above, the subject information contains highly sensitive Securus bidding information and information regarding the identity of specific facility customers

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<sup>11</sup> Protective Order ¶ 2.

<sup>12</sup> *Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, Report and Order, 13 FCC Rcd 24816, ¶ 8 (1998).

<sup>13</sup> Protective Order ¶ 3.

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covered by paragraphs 3 and 4 of Appendix A to the Protective Order that could cause significant competitive injury to Securus if disclosed.<sup>14</sup> In addition, the information provides details concerning how Securus analyzes its competitors, the disclosure of which could also cause significant competitive injury to Securus if disclosed.<sup>15</sup> For this reason, Securus respectfully requests that the Commission protect this information from public disclosure indefinitely.

**(9) Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted**

As the subject information is being submitted voluntarily, Securus requests that, in the event that the Commission denies Securus's request for confidentiality, the Commission return the materials without consideration of the contents therein.

This notice is being filed pursuant to Section § 1.1206 of the Commission's rules.<sup>16</sup> Please contact the undersigned should you have any questions concerning the foregoing.

Respectfully submitted,



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cc: Jodie May  
Dennis Johnson

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<sup>14</sup> Protective Order, Appendix A ¶¶ 3-4; 5 U.S.C. § 552(b)(4).

<sup>15</sup> Protective Order ¶ 7.

<sup>16</sup> 47 C.F.R. § 1.1206.

**REDACTED – FOR PUBLIC INSPECTION**

**Securus Sample Bidding Information**

This information has been provided on the enclosed CD-ROM and is Highly Confidential in its entirety.

**[REDACTED]**